IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 21296 OF 2005

Date: 04.10.2005

BETWEEN:

Mguluri Subbaravamma

.... PETITIONER

And

1. District Collector (Panchayat Wing), at Ongole, Prakasam District, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 21296 OF 2005

ORDER:

The petitioner is a Ward Member of Arikatlavaripalem Gram Panchayat, J. Pangulur Mandal in Prakasam District. By order dated 14.7.2005 the first respondent placed the third respondent, who is Sarpanch of Panchayat, under suspension under Section 249(6) of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'). However, by impugned proceedings dated 2.9.2005 the first respondent, after considering the report dated 19.8.2005 submitted by the Divisional Panchayat Officer, Ongole, ordered reinstatement of the third respondent. Aggrieved by which the present writ petition is filed.

The learned counsel for the petitioner, Sri Ch. Ramesh Babu strenuously submits that the first respondent did not give any reasons while reinstating the third respondent, and no enquiry was conducted before passing the impugned order, and that there are serious financial irregularities alleged against the third respondent, in which event, the first respondent could not have reinstated the third respondent.

The learned Assistant Government Pleader after getting instructions from the respondents 1 and 2 submits that after placing the third respondent under suspension, the Divisional Panchayat Officer submitted a report on 19.8.2005 stating that the third respondent has produced necessary vouchers for the amounts drawn by him in a sum of Rs.69,800/- and also remitted the balance amount of Rs.628/- in sub treasury. Taking this into consideration, the first respondent reinstated the third respondent as Sarpanch.

Under Section 249(6) of the Act, power is vested in the District Collector to place any Sarpanch under suspension for a period not exceeding three months pending the investigation into the charges of abuse of powers. The period of suspension can be extended for a further period of three months by the State Government, and in no case suspension period shall exceed six months. By very nature of the provision it is intended to rectify the mistakes committed by the Sarpanch while in office either by abuse of power or abuse of position as Sarpanch. In this case initially the third respondent was suspended on the allegation that though he has drawn an amount of Rs.69,800/-, he did not submit proper account for the same. Immediately after submission of accounts by the Sarpanch, the District Collector has correctly appreciated the position and reinstated the third respondent as Sarpanch. While doing so, the first respondent clearly observed that the third respondent is being reinstated in view of the report of the Divisional Panchayat Officer, which itself is sufficient and valid reason for such action.

The Writ Petition is misconceived and is accordingly dismissed at the admission stage.

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(**V.V.S. RAO, J.)**

4th October, 2005

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